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Crime prevention and criminal justice

Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 65/169. It contains information on the outcome of the Conference of the States Parties to the United Nations Convention against Corruption at its fourth session, held in Marrakech, Morocco, from 24 to 28 October 2011. The report also contains information on the progress of the Mechanism for the Review of Implementation of the Convention and on measures taken to combat corrupt practices and return assets of illicit origin, consistent with the Convention against Corruption, including developments in the field of asset recovery and the relevant work carried out by the United Nations Office on Drugs and Crime individually and in partnership with other institutions, in particular with the World Bank under the joint Stolen Asset Recovery Initiative, work with the private sector, technical assistance for the implementation of the Convention and matters related to resources.

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I. Introduction

1. In its resolution 65/169, the General Assembly reiterated the importance of preventing and combating corrupt practices and recovering and returning assets of illicit origin, in particular to the countries of origin, consistent with the United Nations Convention against Corruption, by requesting the Secretary-General to submit a pertinent report at its sixty-seventh session under the item entitled "Crime prevention and criminal justice".

2. In its resolution 64/237, the General Assembly urged all Member States and competent regional economic integration organizations that had not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption and called upon all States parties to fully implement the Convention. The Assembly also urged Member States to combat and penalize corruption and the laundering of proceeds of corruption, to prevent the transfer of illicitly acquired assets and to work for the prompt return of such assets. It welcomed the establishment of a review mechanism for the implementation of the Convention, which resulted from the third session of the Conference of the States Parties to the Convention, held in Doha from 9 to 13 November 2009. It called upon States parties to fully implement the review mechanism, in accordance with the terms of reference adopted by the Conference. Furthermore, the Assembly encouraged Member States that had not yet done so to enact laws and implement measures to fight corruption in all its forms and stressed the need for transparency in financial institutions. Additionally, Member States were invited to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, and were encouraged to promote human and institutional capacity-building in that regard. The Assembly also stressed the importance of mutual legal assistance and encouraged Member States to enhance international cooperation, and called for further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin. In that regard, it also encouraged close cooperation between anti-corruption agencies, law enforcement agencies and financial intelligence units. The Secretary-General was requested to continue to provide the United Nations Office on Drugs and Crime (UNODC) with the resources necessary to enable it to promote in an effective manner the implementation of the Convention and to discharge its functions as the secretariat of the Conference. The Secretary-General was also requested to ensure that the new mechanism for the review of implementation of the Convention was adequately funded, in line with the pertinent resolution adopted by the Conference. The Assembly reiterated its call upon the private sector, at both the international and the national levels, to remain fully engaged in the fight against corruption, noted in that regard the role that the Global Compact could play and emphasized the need for all relevant stakeholders to continue to promote corporate responsibility and accountability. It requested the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of assets of illicit origin, as well as for asset recovery, and to support national efforts in formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sectors.

3. Pursuant to General Assembly resolution 64/237, a report of the Secretary-General on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, was submitted to the Assembly at its sixty-fifth session (A/65/90). Other reports on the subject had been submitted to the Assembly at its fifty-sixth to sixty-fourth sessions (A/56/403 and Add.1, A/57/158 and Add.1 and 2, A/58/125, A/59/203 and Add.1, A/60/157, A/61/177, A/62/116, A/63/88 and A/64/122).

4. The present report contains an update on the status of adherence to the Convention against Corruption. It also contains information on the outcome of the fourth session of the Conference of the States Parties, progress in respect of the Implementation Review Mechanism and measures taken by States to prevent and combat corruption. The report also contains a brief account of progress in the activities of working groups established by the Conference and on tools and knowledge-building. It also contains information on relevant initiatives and partnerships, such as the joint UNODC/World Bank Stolen Asset Recovery (StAR) Initiative, work with the private sector and technical assistance for the implementation of the Convention. The report further contains information on resources provided to UNODC and concludes with recommendations on the way forward.

II. United Nations Convention against Corruption

Status of ratification

5. As at 13 June 2012, there were 140 signatories and 160 parties to the United Nations Convention against Corruption.

III. Fourth session of the Conference of the States Parties to the United Nations Convention against Corruption

6. Over 125 States parties participated in the fourth session of the Conference, held in Marrakech, Morocco, from 24 to 28 October 2011. The following resolutions were adopted by the Conference: resolution 4/1, on the Mechanism for the Review of Implementation of the Convention; resolution 4/2, on the convening of open-ended intergovernmental expert meetings to enhance international cooperation; resolution 4/3, containing the Marrakech declaration on the prevention of corruption; resolution 4/4, on international cooperation in asset recovery; resolution 4/5, on the participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Implementation Review Group; and resolution 4/6, on non-governmental organizations and the Review Mechanism.

1. Review Mechanism (resolution 4/1)

7. In its resolution 4/1, entitled "Mechanism for the Review of Implementation of the United Nations Convention against Corruption", the Conference requested the secretariat to prepare an executive summary template for the country reports, to be divided into the following four sections: (a) successes and good practices; (b) challenges in implementation, where applicable; (c) observations on the

implementation of the articles under review; and (d) technical assistance needs identified to improve the implementation of the Convention. It also requested the inclusion of sections summarizing the legal system of the State party under review and took note of the thematic reports on implementation. The Conference recognized the importance of effectively addressing technical assistance within the Mechanism and recommended that all States parties identify technical assistance requirements in their responses to the comprehensive self-assessment checklists and in the country reports. The Conference also recommended that State parties continue to provide UNODC with information on ongoing technical assistance projects and encouraged States parties to share experiences on technical assistance. With regard to the funding of the Review Mechanism, the Conference requested the secretariat to further examine the shortfall it had identified in the resource requirements to determine whether it could be addressed through cost efficiencies or voluntary contributions, and decided that the Implementation Review Group should engage with the Secretariat during its intersessional period in that regard. The Conference also endorsed the practice followed by the Group with regard to the procedural issues arising from the drawing of lots.

2. Convening of open-ended intergovernmental expert meetings to enhance international cooperation (resolution 4/2)

8. In its resolution 4/2, the Conference decided to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist it with respect to extradition and mutual legal assistance. The meetings should assist the Conference in developing cumulative knowledge in the area of international cooperation and in encouraging cooperation among existing bilateral, regional and multilateral initiatives and contribute to the implementation of the Convention; they should also facilitate the exchange of relevant experiences among States and build confidence and encourage cooperation between requesting and requested States by bringing together relevant competent authorities, anti-corruption bodies and practitioners. The Conference requested UNODC to consider innovative solutions to help States to build their capacity to prepare and respond to requests for mutual legal assistance and extradition.

3. Marrakech declaration on the prevention of corruption (resolution 4/3)

9. In its resolution 4/3, the Conference adopted the Marrakech declaration on the prevention of corruption, in which it requested the Secretariat to continue to assist the Working Group on the Prevention of Corruption in the performance of its functions. The Conference also requested the Secretariat to continue to perform the functions of an international observatory gathering existing information on good practices in preventing corruption. The Conference further requested the Secretariat to continue to assist in promoting awareness of the principles of the Convention among the business community, and to collect and disseminate information on good practices in promoting responsible, professional reporting by journalists on corruption. The Secretariat was also requested to continue to provide technical assistance to States parties, upon request, with a view to advancing the implementation of chapter II of the Convention and to intensify its cooperation with national, regional and international donor and recipient countries with a view to enhancing their cooperation and coordination in the provision of technical assistance in preventing corruption. In that regard, the Conference welcomed the

cooperation between the Secretariat and the United Nations Development Programme (UNDP) to integrate Convention-based anti-corruption technical assistance in the broader development agenda. Member States were requested to promote bilateral, regional and international activities to prevent corruption, and State Parties were called upon to develop initiatives to promote and implement anti-corruption measures within public procurement, to devote special attention to the creation of opportunities to involve young people and to promote educational programmes that instil concepts and principles of integrity.

4. International cooperation in asset recovery (resolution 4/4)

10. In its resolution 4/4, entitled "International cooperation in asset recovery", the Conference urged States parties that had not already done so to designate a central authority and, where appropriate, focal points, and also to take a proactive approach to international cooperation in asset recovery by making full use of chapter V of the Convention, including by initiating requests for assistance, making spontaneous disclosures of information on proceeds of offences to other States parties and considering making requests for notifications, in accordance with article 52, paragraph 2 (b), of the Convention, and, where appropriate, implementing measures to permit the recognition of non-conviction-based forfeiture judgements. The Conference called upon States parties to give timely consideration to the execution of mutual legal assistance requests and used them to ensure that procedures allowed for the seizure and restraint of assets for a sufficient time period. The Conference urged States parties and signatories to the Convention to strengthen the capacity of legislators, enforcement officials, judges and prosecutors to deal with matters relating to asset recovery, including in the areas of mutual legal assistance, confiscation and, where appropriate, non-conviction-based forfeiture in accordance with domestic law and the Convention, and civil proceedings, and to give the highest consideration to providing technical assistance in these fields upon request. The Conference also urged the study and analysis of, inter alia, the results of asset recovery actions and, where appropriate, how legal presumptions, measures aimed at shifting the burden of proof and the examination of illicit enrichment frameworks could facilitate the recovery of corruption proceeds. The Conference decided that the Open-ended Intergovernmental Working Group on Asset Recovery should continue to consider the issue of establishing a global network of asset recovery focal points.

5. Participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Implementation Review Group (resolution 4/5)

11. Pursuant to resolution 4/5, subject to prior written notification to the Secretary-General, any State or regional economic integration organization signatory to the Convention is entitled to participate in the Implementation Review Group and may attend sessions, deliver statements at such sessions, receive the documents of the Group, submit their views in writing to the Group and participate in the deliberative process of the Group. Subject to prior written notification, together with a standing invitation from the General Assembly to participate in conferences convened under its auspices, representatives of entities and intergovernmental organizations may attend sessions of the Implementation Review Group, deliver statements at the invitation of the Chair, receive documents and submit their views in writing. Non-signatories may apply for observer status,

provided that a non-signatory State or regional economic integration organization has notified the Group, through the secretariat, of its decision to ratify, accept, approve or accede to the Convention. This entitles them, without taking part in the adoption of decisions, to attend sessions of the Group, deliver statements, receive the documents of the Group and submit their views in writing to the Group.

6. Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (resolution 4/6)

12. Pursuant to resolution 4/6, in order to further promote constructive dialogue with non-governmental organizations dealing with anti-corruption issues, and while recognizing the continuing deliberations to build confidence in the role of non-governmental organizations in the review process, briefings should be conducted on the outcomes of the review process on the margins of the sessions of the Implementation Review Group. The Secretariat should invite to the briefings relevant non-governmental organizations that have been admitted to participate as observers in the session of the Conference previous to the briefing. If there is any objection to the participation of a non-governmental organization, the matter will be referred to the Group for decision.

IV. Mechanism for the Review of Implementation of the Convention

Conduct of country reviews in the first and second years of the first review cycle

13. At its third session, the Conference of the States Parties adopted resolution 3/1, entitled "Review mechanism", which contains the terms of reference of the Mechanism for the Review of Implementation of the Convention. The Implementation Review Group held its first session in Vienna from 28 June to 2 July 2010, its resumed first session in Vienna from 29 November to 1 December 2010, its second session in Vienna from 30 May to 2 June 2011, and its resumed second session in Vienna from 7 to 9 September 2011 and in Marrakech, Morocco, on 25 October 2011. The Group considered the review of implementation of the Convention, technical assistance, financial and budgetary matters and other matters, including the issue of participation of observers in its meetings.

14. At the first session of the Implementation Review Group, a drawing of lots was carried out to determine the States parties under review in each year of the first review cycle, as well as the reviewing States parties for the first year.

15. In accordance with the terms of reference, a State party selected for review in a given year, may, with a reasonable justification, defer participation to the following year of the review cycle. Eleven States parties deferred their reviews from the first to the second year of the review cycle. Three States parties deferred from the second to the third year.

16. When a selected State party exercised its right to defer, the States parties from the same regional group selected to be reviewed the following year were invited by

the Group to indicate whether they wished to take the place of the deferring State party. Four States did so in the first year and none in the second.

17. The total number of States under review was therefore 27 for the first year and 41 for the second year. There are 40 States parties foreseen for review in the third year, barring any deferrals.

18. States ratifying or acceding to the Convention after the drawing of lots would be reviewed in the last year of the first review cycle. Since the drawing of lots for States parties to be reviewed in the first cycle, 16 States have become parties to the Convention.

19. All States parties under review in the first year have submitted their final responses to the self-assessment checklist and have engaged in active dialogue with the reviewing States. Out of the 27 States parties under review in the first year, 24 requested country visits. One joint meeting at the United Nations Office at Vienna has been held and one is in the planning stage.

20. At its second session, the Implementation Review Group launched the second year of reviews, with a total of 41 States parties under review, and drew lots for their reviewing States parties. One State party had submitted a partial response to the self-assessment checklist within the deadline. At time of writing, 35 complete responses had been received, which represents 85 per cent of the total. Active follow-up was being undertaken to ensure the submission of the rest of the responses, including by providing assistance through UNODC field offices and partners. Several States parties had sought assistance from the Secretariat to complete their self-assessment responses.

21. At the time of writing, 20 desk reviews of the 35 responses to the self-assessments of the second year had been completed. In many cases, governmental experts informed the State party under review and the Secretariat that they would need an extension of the deadline foreseen by the guidelines in order to thoroughly review the information submitted.

22. In the second year of reviews, 11 country visits have been held to date, and another 16 have been agreed to and are in the planning stage. Several States under review have either not yet discussed the possibility of further means of direct dialogue or indicated that they would take a decision on further means of direct dialogue after having received the desk review. Two States parties under review have agreed to hold joint meetings in Vienna. It can be estimated that on average a similar percentage of countries as in the first year will opt for a country visit.

23. Pursuant to paragraph 33 of the terms of reference and paragraph 30 of the guidelines, the reviewing governmental experts are to prepare a country review report and an executive summary, in close cooperation and coordination with the State party under review and assisted by the Secretariat. The report will identify successes, good practices and challenges, and make observations for the implementation of the Convention. Where appropriate, the report will include the identification of technical assistance needs for the purpose of improving the implementation of the Convention.[1]

[1] Detailed information on the review process can found in document CAC/COSP/IRG/2012/4.

24. Furthermore, executive summaries of finalized country reviews are made available to the Implementation Review Group,[2] and thematic implementation reports on chapters III (Criminalization and law enforcement)[3] and IV (International cooperation)[4] of the Convention were submitted to the Conference at its fourth session, identifying trends in implementation and highlighting good practices and technical assistance needs that had emerged from the review process to date.

V. Work of the open-ended intergovernmental working groups

A. Open-ended Intergovernmental Working Group on the Prevention of Corruption

25. The Open-ended Intergovernmental Working Group on the Prevention of Corruption was established by the Conference in its resolution 3/2. At its first intersessional meeting, held from 13 to 15 December 2010, the Group recommended that the Secretariat continue to gather information, including on good practices and initiatives and on existing expertise on the prevention of corruption within the United Nations system and other relevant organizations. The Working Group stressed the importance of preparing States parties for the review of implementation of chapter II of the Convention in the second review cycle, starting in 2015, and encouraged States parties to voluntarily complete early the self-assessment checklist on that chapter. States parties were encouraged to promote regional activities and strengthen training and education mechanisms. The Working Group recommended that the Secretariat continue its work on public procurement, vulnerability assessments and professional and safe reporting on corruption by journalists. The Group decided that at its next meeting it should focus on awareness-raising and the prevention of corruption in the public sector.

26. At its second intersessional meeting, held in Vienna from 22 to 24 August 2011, the Working Group recommended that the Secretariat conduct analyses of good practices reported by States parties and collect information on existing expertise within the United Nations system and other organizations in that regard. The Working Group decided that at its next meeting it should focus on, among other things, conflicts of interest, reporting acts of corruption and asset declarations, particularly in the context of articles 7 to 9 of the Convention. In addition, the Working Group reaffirmed that States parties should continue to strengthen awareness-raising and education and that special attention should be devoted to work with young people and children. The Secretariat should continue to assist in promoting the implementation of the Convention among the business community.

[2] Accessible from www.unodc.org/unodc/en/treaties/CAC/IRG-session3.html.
[3] CAC/COSP/2011/2.
[4] CAC/COSP/2011/3.

B. Open-ended Intergovernmental Working Group on Asset Recovery

27. The Open-ended Intergovernmental Working Group on Asset Recovery held its fourth meeting in Vienna on 16 and 17 December 2010 and its fifth intersessional meeting in Vienna on 25 and 26 August 2011. At its fourth meeting the Working Group stressed the importance of preparing States parties for the review of implementation of chapter V of the Convention and encouraged States parties to voluntarily complete early the self-assessment checklist on that chapter. The Working Group recommended that the Secretariat develop, through the StAR Initiative or other relevant initiatives, a multi-year workplan for consideration by the Working Group at its next meeting. The Working Group reiterated the need for a global network of asset recovery focal points and requested the Secretariat to resend a note verbale to Member States requesting them to nominate asset recovery focal points. The Secretariat was requested to continue its work on expanding the Mutual Legal Assistance Request Writer Tool, compiling asset recovery cases and forging partnerships with the private sector.

28. At its fifth intersessional meeting the Working Group stressed the importance of preparing States for the review of the implementation of chapter V of the Convention in the second phase of the Review Mechanism and encouraged States parties to use the self-assessment checklist as a way to assess their efforts. It requested the Secretariat to continue its work on collecting and systematizing information on asset recovery cases and called on States to provide relevant information to the Secretariat. The Working Group recommended that further discussion should take place to determine the modalities for establishing a global network of asset recovery focal points. It urged States parties that had not yet done so to designate and communicate to the Secretariat their asset recovery focal points, and requested the Secretariat to send another note verbale to that effect.

VI. International cooperation: anti-corruption and asset recovery initiatives and partnerships

A. Stolen Asset Recovery Initiative and other asset recovery assistance activities

29. The StAR Initiative is based on a formal agreement reached between the World Bank and UNODC in September 2007. The goal of the Initiative is to encourage and facilitate the systematic and timely return of assets that are proceeds of corruption and to improve global performance in the return of stolen assets. It is financed by voluntary contributions to UNODC from Canada, Germany, Luxembourg, the United Kingdom of Great Britain and Northern Ireland and the United States of America and voluntary contributions from Australia, France, Norway, Sweden, Switzerland and the United Kingdom to a World Bank-administered trust fund. The foundations for the Initiative were laid in 2007 and early 2008, when StAR began its country engagement in response to requests for assistance from Bangladesh, Haiti and Indonesia and launched a programme of analytical work, starting with the preparation of a guide on non-conviction-based forfeiture.

30. During recent years, international support for the asset recovery agenda has increased significantly. The emphasis on the links between asset recovery and the broader international dialogue on reforms aimed at strengthening the integrity of the international financial system have been reinforced by working with international policymakers in the aftermath of the financial crisis. The prominence of asset recovery as an issue in the context of the developments in the Middle East and North Africa, in particular, and the range of countries that responded to requests from Egypt, Libya and Tunisia demonstrate the increased prominence of asset recovery on the global agenda.

31. International discussions on asset recovery were featured on the agenda of the Group of Twenty (G-20), the Group of 8 (G-8), the Financial Action Task Force and other international policy forums. Knowledge products, policy work and capacity-building efforts kept the issue on the international agenda.

32. During its first phase, approximately 40 per cent of the programmed resources of StAR were allocated to policy analysis and knowledge products. The remaining resources were split equally between general capacity-building and support for country-specific asset recovery programmes. Since the beginning of 2011, the balance between activities has shifted significantly towards country and case-related work, with more than 70 per cent of the human and financial resources of StAR being dedicated to such work.

1. Country engagements

33. The 2007 StAR report proposed that the Initiative should develop pilot programmes aimed at helping countries recover stolen assets by providing strategic and policy advice, legal support services and other technical assistance. The report anticipated that StAR would initially work intensively with five or six countries, through a combination of short-term activities and longer-term institutional development. Currently, StAR is providing country-specific technical assistance in 16 countries or groups of countries, with a significant increase in the number of countries (5) to which StAR provides case-specific assistance and capacity-building. The country engagements can be divided into two categories: assistance to countries engaged in active asset recovery cases and assistance to countries to build capacity to generate and conduct asset recovery cases.

34. StAR responds to requests originating from the national authorities. When a request for assistance has been received, StAR enters into dialogue with the country with a view to establishing the type of assistance required and potentially fielding a scoping mission. This country and case-specific work covers a wide range of advisory activities comprising strategic and tactical analysis, financial investigation techniques, forensic audits and legal advisory services, including the preparation of mutual legal assistance requests, as well as facilitating the establishment of informal and formal contacts with the authorities of counterpart jurisdictions.

35. Much of the country and case-specific work is linked to or follows more general capacity-building efforts, including training of practitioners likely to be or become involved in asset recovery cases. Training is being delivered at three levels: (a) introductory workshops to raise awareness about asset recovery, (b) advanced training courses on each of the technical aspects of asset recovery, including various practical exercises such as financial investigations, international asset tracing,

net-worth analysis and mutual legal assistance, and (c) case-related training seminars that involve practitioners directly responsible for ongoing cases as well as their respective counterparts in cooperating jurisdictions. The latter training courses have focused on issues directly relevant to ongoing cases and sought to identify and address specific knowledge and skill gaps that constitute challenges in the pursuit of ongoing cases.

2. Policy analysis and knowledge products

36. The work on policy analysis has been designed to help countries domesticate and implement chapter V of the Convention. StAR has published country-level and cross-cutting analytical reports on the status of implementation of the provisions of chapter V, which have built on the self-assessment checklist and cross-country reviews to identify regional and sectoral trends and needs. The reports have helped countries to identify where they need technical assistance to support the implementation of the Convention. They have also helped identify areas where StAR may be able to provide policy analysis and tools to assist countries' implementation efforts, notably as regards the alignment of domestic legislation with the provisions of the Convention.

37. StAR policy analysis and knowledge products published to date include the following:

Asset recovery policies

- *Stolen Asset Recovery: Towards a Global Architecture for Asset Recovery* (available online)
- *Politically Exposed Persons: Preventive Measures for the Banking Sector* (in English, Russian and Spanish, available online)
- *Stolen Asset Recovery: Management of Returned Assets: Policy Considerations* (available online)
- *Barriers to Asset Recovery: An Analysis of the Key Barriers and Recommendations for Action*
- *Stolen Asset Recovery: Income and Asset Declarations: Tools and Trade-offs* (available online)
- *Illicit Enrichment* (conference edition)
- *Tracking Anti-Corruption and Asset Recovery Commitments*
- *Identification and Quantification of the Proceeds of Bribery*
- *The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do About It*

Handbooks for practitioners

- *Stolen Asset Recovery: A Good Practices Guide for Non-conviction-based Asset Forfeiture* (in English, French, Spanish, Arabic, Russian and Bahasa, available online)
- *Asset Recovery Handbook: A Guide for Practitioners* (available online)

- *Public Office, Private Interests: Accountability through Income and Asset Disclosure*

38. Currently, StAR is finalizing the study on settlements in cases of transitional bribery and asset recovery. The study explores and analyses the practice of settlements in international bribery cases and their implications for the recovery and return of assets. It is based on an analysis of 366 settled cases over the last 13 years. A conference edition of the study was presented at the conference of the International Corruption Hunters Alliance, held on 5 and 6 June 2012 in Washington, D.C.

39. Pursuant to requests from the Conference of the States Parties and the Working Group on Asset Recovery, UNODC is finalizing the digest of asset recovery cases, which will be based on the cases submitted by the Member States as well as those in the StAR Asset Recovery Watch database. The digest will analyse key features of successful and unsuccessful asset recovery cases and formulate observations on trends and patterns emerging with respect to international asset recovery.

40. StAR continued to develop and maintain a variety of web-based and electronic tools for practitioners working on asset recovery cases. Such tools include various databases providing systematic asset recovery case compilations and detailed case analysis. The StAR Asset Recovery Watch database, supplementing the UNODC Tools and Resources for Anti-Corruption Knowledge (TRACK) database, contains the first regularly updated and publicly accessible compilation of active and completed cases of international asset recovery. The StAR Grand Corruption Cases database contains a compilation of 150 such cases involving the misuse of legal structures to conceal the origin and ownership of stolen assets. A recently established database on settlements includes 366 cases of settlements in transnational bribery cases.

3. Networks and partnerships

41. The Focal Point Initiative, a joint endeavour by StAR and the International Criminal Police Organization launched on 19 January 2009, provides asset recovery practitioners with a platform to meet on a regular basis for the purpose of peer learning and exchange of experience, as well as a secure network available around the clock for the exchange of sensitive case-related data and other operational needs. To date 103 countries have joined the Initiative, and it has been connected to other similar regional networks. The Focal Point Initiative is being used by the participating practitioners for the purpose of exchanging asset recovery-related information and the preparation of mutual legal assistance requests. Two asset recovery focal point meetings have been held, in Vienna on 14 and 15 December 2010 and in Lyon, France from 11 to 13 July 2011; the third meeting is being planned for July 2012.

42. UNODC and StAR have also been actively involved with and supported regional networks engaged in asset recovery and confiscation. The Camden Asset Recovery Inter-Agency Network brings together mostly European asset recovery agencies. The establishment of the Asset Recovery Inter-Agency Network of Southern Africa, a regional network that supports operational work in asset recovery and confiscation, was facilitated by UNODC, as was the Network on Asset Recovery established by the countries of the Financial Action Task Force of South

America against Money Laundering for regional asset confiscation. Discussions are ongoing for setting up similar regional networks focusing on the needs of countries in Eastern Europe and Central Asia (in partnership with the Organization for Security and Cooperation in Europe); in the Middle East and North Africa region (in partnership with UNDP), likely in the context of the G-8/Deauville partnership; and the Asia-Pacific region (in dialogue with Australia).

43. At the request of the Working Group on Asset Recovery, UNODC started the process of collecting information on asset recovery focal points from the Governments of the States parties to the Convention. As at the time of writing, the Secretariat has received notifications of the designated asset recovery focal points from 53 States parties and 3 signatories: Afghanistan, Algeria, Armenia, Australia, Austria, Bahrain, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Chile, Denmark, Ecuador, Egypt, El Salvador, Finland, Germany (signatory), Guatemala, Indonesia, Israel, Jordan, Kenya, Latvia, Lebanon, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Myanmar (signatory), Netherlands, Nigeria, Pakistan, Palau, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Serbia, Singapore, Slovenia, Sweden, Switzerland, Syrian Arab Republic (signatory), Togo, Tunisia, Turkey, United Kingdom, United States and Viet Nam.

B. Tools and knowledge-building

44. On 1 September 2011, UNODC launched the TRACK portal (https://track.unodc.org/Pages/home/aspx). TRACK is a web-based platform containing the United Nations Convention against Corruption legal library, an electronic repository of legislation, jurisprudence, anti-corruption strategies and institutional data from 178 States. Developed and administered by UNODC, the legal library collects and disseminates information, indexed and searchable according to each provision of the Convention, and thus provides a detailed analytical breakdown of how States have implemented the Convention. The TRACK portal is also a search engine that enables States, the anti-corruption community, the general public and the private sector to access the knowledge generated by UNODC and its partner organizations. A special section of TRACK is specifically dedicated to asset recovery. Recognizing the challenges inherent in cross-border communication among practitioners, TRACK also provides a community of practice for registered members of anti-corruption authorities, central authorities for mutual legal assistance and asset recovery focal points.

45. UNODC has provided continuing support to countries in their efforts to assess the nature and extent of corruption. UNODC conducted a programme of surveys on corruption and crime in the western Balkans. In Afghanistan, UNODC and UNDP have continued their joint programme of surveys, and fieldwork on the assessments of the law enforcement, judiciary, education and public administration sectors has started. In Iraq, UNODC and UNDP continued their joint programme of surveys aimed at providing a comprehensive assessment of the integrity and working conditions of civil servants, in close collaboration with the central statistical office and the Kurdistan region statistical office. The final report will be published in the first half of 2012.

46. UNODC is currently developing an expanded and revised version of the UNODC Mutual Legal Assistance Request Writer Tool in relation to asset recovery, which is due to be finalized before the end of summer 2012.

C. Cooperation with the private sector

47. Cooperation with the private sector continues to play an important role in the fight against corruption. In the Marrakech declaration (resolution 4/3), the Conference of the States Parties took note of the initiatives taken by the Secretariat to promote partnerships with the private sector against corruption, called upon States parties to promote the business community's engagement in the prevention of corruption and requested States parties to promote training and education at all levels of the public and private sectors in the prevention of corruption. UNODC has been actively working on established partnerships with private sector entities and launched several projects aimed at promoting the implementation of the Convention among the business community.

48. UNODC, together with the Organization for Economic Cooperation and Development (OECD) and the World Bank, has started to develop a practical handbook for businesses to bring together guidelines and related material on private sector anti-corruption compliance. UNODC has also launched a project to identify good practices for preventing corruption in the organization of major public events. In the margins of the fourth session of the Conference, UNODC, together with Transparency International, the World Economic Forum, the International Chamber of Commerce and the United Nations Global Compact, organized a high-level forum on the Convention and global competition.

49. The Executive Director of UNODC participated in the annual gathering of the World Economic Forum in Davos, Switzerland, in 2011 and 2012. UNODC representatives also attended the World Economic Forum on Europe and Central Asia in 2011.

50. In 2011, UNODC co-sponsored and sent representatives to the conference entitled "Joining forces against corruption: G-20 business and government", organized jointly by the French presidency of G-20 and OECD. UNODC participates as an observer in the G-20 Anti-Corruption Working Group. In 2012, UNODC has also been invited to participate in the Task Force on Improving Transparency and Anti-Corruption of the Business 20 (B-20), an offshoot of G-20 and a forum for the world's largest companies. UNODC has been actively involved in the discussions on the scope and objectives of what business can pledge to contribute to the G-20 agenda and in developing relevant private sector-led policy recommendations, which were presented to leaders at the B-20 and G-20 summits in Los Cabos, Mexico, on 17 and 18 June 2012.

D. Technical assistance

51. In the period 2011-2012, UNODC provided expertise and technical assistance in line with the Convention against Corruption to Afghanistan, Bolivia (Plurinational State of), Brazil, Burundi, Cambodia, Cameroon, Chile, Colombia, the Democratic Republic of the Congo, Dominica, Ecuador, Egypt, Ethiopia, India,

Indonesia, Iran (Islamic Republic of), Iraq, Kenya, the Lao People's Democratic Republic, Mali, Mauritania, Mexico, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Panama, Peru, the Philippines, the Republic of Moldova, Rwanda, Somalia, South Sudan, Thailand, Timor-Leste, the United Republic of Tanzania, Uzbekistan and Viet Nam. Technical assistance was also provided at the regional level for the Middle East and North Africa, Eastern, Central and Southern Africa, South Asia and Latin America.

52. From July 2011 to March 2012 six States that had received pre-ratification assistance became parties to the Convention: Cook Islands, Marshall Islands, Micronesia (Federated States of), Saint Lucia, Solomon Islands and Vanuatu.

53. In the framework of the global Anti-Corruption Mentor Programme, UNODC has provided technical assistance to a variety of countries in 2011 and 2012. The Programme is aimed at providing specialized expertise through the placement of anti-corruption experts in regional hubs. UNODC continued to provide technical assistance at the regional and national levels through the programme. In 2011, four anti-corruption mentors provided assistance in the Democratic Republic of the Congo and in East Africa, Central America and the Caribbean and East Asia by developing new projects and providing support to ongoing anti-corruption projects, such as the Regional Anti-Corruption Academy in Panama, by providing advice to anti-corruption institutions, designing and delivering capacity-building and training courses and participating in and promoting awareness-raising activities. Subject to the availability of resources, UNODC intends to place anti-corruption mentors in the Pacific, the Middle East and North Africa, and West and Central Africa.

54. In 2011, UNODC launched two anti-corruption projects in Iraq. One project focuses on providing support to the Commission of Integrity, including the newly established liaison office with national institutions, for strengthening capacity for asset recovery. The other project concentrates on building the capacity of the Commission and other investigative institutions to conduct financial investigations and collect evidence relating to complex financial criminal cases. UNODC implemented a basic and an advanced training event for Iraqi investigators in November and December 2011, and a workshop on crisis communications management in cooperation with UNDP took place in February 2012.

55. In Egypt, UNODC launched a major anti-corruption project in 2011. The project will provide assistance to the Egyptian Government to establish effective mechanisms to combat corruption and money-laundering in Egypt, as well as to establish the necessary framework for implementing the Convention. The project will implement a series of key activities, including the development of a National Strategy, which commenced at an introductory workshop in December 2011. The project will support efforts to combat corruption and money-laundering, strengthen national capacities to ensure asset recovery and promote transparency and good governance initiatives.

56. UNODC is providing assistance to the South Sudan Anti-Corruption Commission by reviewing a proposed anti-corruption bill and providing a broad range of technical support. A desk review of the legislation has been undertaken and a drafting workshop conducted, and assistance in establishing an investigation team

has been provided. Agreement on a technical support package for South Sudan is approaching finalization.[5]

VII. Resources

57. UNODC is grateful for the generous contributions received in 2011 and 2012 from Australia, Austria, Brazil, Canada, France, Germany, Luxembourg, Mexico, Morocco, the Netherlands, Norway, Panama, Qatar, the Russian Federation, Sweden, Switzerland, the United Kingdom, the United States, UNDP and the World Bank, as well as the Siemens Integrity Initiative. In-kind contributions have been provided by Portugal (translation of documents from and into Portuguese) and the Russian Federation (training facilities and accommodation during a regional training workshop).

VIII. Conclusions and recommendations

58. The growing number of parties to the Convention is evidence that the Convention is becoming a truly global, fully operational instrument in line with the aspirations and expectations of Member States. Every effort should be made to increase the number of ratifications and to implement the provisions of the Convention. In this context, the General Assembly may wish to encourage Member States that have not yet done so to ratify or accede to the Convention and to support its full implementation, including through the provision of financial and material contributions for the convening of working groups and workshops.

59. The success of the Review Mechanism depends on the full commitment and constructive engagement of all States parties. In this regard, the General Assembly may wish to encourage all Member States to fully support the work of the Review Mechanism and encourage donors to continue to make financial contributions in support of the Conference of the States Parties, the Review Mechanism and related technical assistance activities.

60. Information exchange continues to play a crucial role in the context of the implementation of the Convention. In this regard, the General Assembly may wish to encourage Member States to exchange information on lessons learned and good practices, as well as information related to technical assistance activities and initiatives in order to strengthen international efforts to prevent corruption. For that purpose, the Assembly may also wish to encourage all Member States to continue to designate authorities to assist each other in the fight against corruption.

61. Asset recovery continues to be a priority. In this regard the General Assembly may wish to encourage Member States to use the self-assessment checklist as a way to assess their efforts and identify further steps to be undertaken to implement chapter V of the Convention.

[5] See CAC/COSP/IRG/2012/3.

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Crime prevention and criminal justice

Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

Report of the Secretary-General

Summary

The present report contains information on action taken to implement General Assembly resolution 66/179. In particular, the report provides a brief overview of the deliberations at the twenty-first session of the Commission on Crime Prevention and Criminal Justice on issues pertaining to the preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice. The report also contains information on the approval by the Commission at its twenty-first session of the overall theme, the agenda items and the topics for the workshops of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, for adoption, through the Economic and Social Council, by the General Assembly.

* A/67/50.

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1. In its resolution 66/179, entitled "Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice", the General Assembly took note of the report of the Secretary-General on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2011/15) and reiterated its invitation to Governments to take into consideration the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World (General Assembly resolution 65/230, annex) and the recommendations adopted by the Twelfth Congress when formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States.

2. In the same resolution, the General Assembly recalled its resolution 62/173, in which it had endorsed the recommendations made by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice at its meeting, held in Bangkok from 15 to 18 August 2006 (see E/CN.15/2007/6).

3. In that resolution, the Assembly also invited Member States to provide their suggestions in relation to the overall theme, the agenda items and the topics for the workshops of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, and requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on the suggestions made by Member States.

4. In its resolution, the Assembly also recommended that, in order to strengthen the outcome of future crime congresses, the number of their agenda items and workshops be limited, and encouraged the holding of side events that are focused on and complement the agenda items and workshops.

5. In addition, the Assembly requested the Commission on Crime Prevention and Criminal Justice to approve at its twenty-first session the overall theme, the agenda items and the topics for the workshops of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice.

6. At the twenty-first session of the Commission on Crime Prevention and Criminal Justice, delegations underlined the political significance and value of the crime congresses as the largest and most diverse gathering of policymakers and practitioners in the area of crime prevention and criminal justice. With regard to the preparations for the Thirteenth Congress, speakers placed emphasis on the need for timely and effective planning, as well as close coordination with all parties involved, including the institutes of the United Nations crime prevention and criminal justice programme network. While highlighting the necessity of a narrow scope of agenda items and practical and specific workshop topics, delegations took into consideration the suggested approach of focusing on an outward-looking overall theme on the role of crime prevention and criminal justice in advancing the United Nations development agenda beyond 2015. It was suggested that the high-level segment be held at the beginning of the Congress to enhance the possibility of generating useful feedback. The need to avoid too many parallel

workshops and to benefit from ancillary meetings as vehicles for the exchange of information and views on a wide range of issues was emphasized. Delegates further recommended that the Congress declaration should be concise and linked to the proceedings of the Congress. Furthermore, efficient follow-up regarding the outcomes of the congresses was stressed and, in that connection, speakers welcomed the meeting organized in the margins of the Commission's session by the institutes of the United Nations crime prevention and criminal justice programme network to discuss the follow-up to and modalities for the effective implementation of the Salvador Declaration.

7. As a result of the deliberations at its twenty-first session, the Commission on Crime Prevention and Criminal Justice recommended to the Economic and Social Council the approval of a draft resolution for adoption by the General Assembly on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice. In that draft resolution, the General Assembly would decide that the duration of the Thirteenth Congress should not exceed eight days, including pre-Congress consultations, and that the main theme of the Thirteenth Congress shall be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation". The Assembly would further decide that, in accordance with its resolution 56/119, the Thirteenth Congress shall include a high-level segment at which States would be invited to be represented at the highest possible level, for example by Heads of State or Government, Government ministers or attorneys general, and that representatives would be given an opportunity to make statements on the topics of the Congress.

8. The General Assembly would also decide that, in accordance with its resolution 56/119, the Thirteenth Congress shall adopt a single declaration, to be submitted to the Commission on Crime Prevention and Criminal Justice for its consideration, and that the declaration shall contain recommendations reflecting the deliberations of the high-level segment, the discussion of agenda items and the workshops. It would also request the Secretary-General to encourage the participation of representatives from relevant entities of the United Nations system in the Thirteenth Congress, bearing in mind the main theme, agenda items and workshop topics of the Congress.

9. In the draft resolution to be adopted, the General Assembly would also approve the following provisional agenda for the Thirteenth Congress:

1. Opening of the Congress.
2. Organizational matters.
3. Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development.
4. International cooperation, including at the regional level, to combat transnational organized crime.

5. Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime.

6. National approaches to public participation in strengthening crime prevention and criminal justice.

7. Adoption of the report of the Congress.

10. The Assembly would also decide that the following issues shall be considered in workshops within the framework of the Thirteenth Congress:

(a) Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders;

(b) Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims;

(c) Strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation;

(d) Public contribution to crime prevention and raising awareness of criminal justice: experiences and lessons learned.

11. The General Assembly would request the Secretary-General, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, to prepare a discussion guide for the regional preparatory meetings and for the Thirteenth Congress in a timely manner in order to enable those meetings to be held as early as possible in 2014; and would invite Member States to be actively involved in that process. The Assembly would also request the Secretary-General to facilitate the organization of regional preparatory meetings for the Thirteenth Congress and to make available the necessary resources for the participation of the least developed countries in those meetings and in the Congress itself, in accordance with past practice and in consultation with Member States. In addition, the Assembly would urge participants in the regional preparatory meetings to examine the substantive items on the agenda and the topics of the workshops of the Thirteenth Congress and to make action-oriented recommendations to serve as a basis for the draft recommendations and conclusions for consideration by the Thirteenth Congress.

12. The Assembly would call upon Member States to play an active role in the Thirteenth Congress by sending legal and policy experts, including practitioners with special training and practical experience in crime prevention and criminal justice.

13. In addition, the Assembly would emphasize the importance of the workshops to be held within the framework of the Thirteenth Congress, and would invite Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and the institutes of the United Nations crime prevention and criminal justice programme network for the preparations for

the workshops, including the preparation and circulation of relevant background material.

14. The Assembly would request the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Thirteenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress, and would encourage Member States to actively participate in the above-mentioned meetings, as they provide an opportunity to develop and maintain strong partnerships with the private sector and civil society organizations.

15. The Assembly would also encourage Governments to undertake preparations for the Thirteenth Congress at an early stage and by all appropriate means, including, where appropriate, the establishment of national preparatory committees. In addition, the Assembly would encourage the relevant United Nations programmes, specialized agencies of the United Nations system and intergovernmental and non-governmental organizations, as well as other professional organizations, to cooperate with the United Nations Office on Drugs and Crime in the preparations for the Thirteenth Congress.

16. Finally, the Assembly would request the Commission on Crime Prevention and Criminal Justice to accord sufficient time at its twenty-second session to reviewing the progress made in the preparations for the Thirteenth Congress, to finalize in a timely manner all outstanding organizational and substantive arrangements and to make its recommendations to the General Assembly through the Economic and Social Council. The Assembly would also request the Secretary-General to ensure proper follow-up to the present resolution and to report thereon to the Assembly through the Commission at its twenty-second session.